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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,914	04/14/2006	Seiichi Ikeda	116566.00004	5266
34282 7590 01/12/2010 QUARLES & BRADY LLP ONE SOUTH CHURCH AVENUE, SUITE 1700 TUCSON, AZ 85701-1621				
EXAMINER FERNSTROM, KURT				
ART UNIT 3711		PAPER NUMBER		
NOTIFICATION DATE 01/12/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pat-dept@quarles.com

### Office Action Summary

**Application No.**

10/575,914

**Applicant(s)**

IKEDA, SEIICHI

**Examiner**

Kurt Fernstrom

**Art Unit**

3711

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-13, 15-17 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-13, 15-17 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 13 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Moussa. Moussa discloses in the Figures and specification a three dimensional model comprising a membranous model replicating a body cavity and a translucent base material surrounding the cavity, where the translucent material is elastic and in adhesive contact with the model. The refractive indices of the materials in Moussa are substantially equal. With respect to claim 13, Moussa discloses on page 5 of the specification that the model is formed of a silicone rubber and the base material is a silicone gel.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-11, 15, 17, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moussa in view of Shun. Moussa discloses all of the claimed features with the exception of the casing being translucent as recited. However, this feature is well known, as disclosed for example in column 4, lines 42-47 of Shun. It would have been obvious to one of ordinary skill in the relevant art to modify the teachings of Moussa by providing a translucent casing for the purpose of allowing a user to view the model within the casing. With respect to the newly added language pertaining to a least two extending portions, Moussa discloses in Figures 3 and 4 at least one portion extending out of the casing. Provision on an additional extending member is considered to be an obvious multiplication of the same part disclosed, particularly given that the extending portions of both Moussa and the present invention have the same purpose of allowing a user to introduce fluids to the model. With respect to claim 8, Moussa discloses an embodiment where the model comprises a blood vessel. With respect to claim 15, the translucent casing of Shun is planar, as shown in Figure 1, and includes a plurality of transparent planar plates. Moussa as viewed in combination with Shun further discloses all of the features of claim 15 with the exception of the model being translucent as recited. However, this is considered to be an obvious variation on the prior art, as various translucent silicone materials are well known. With respect to claim 17, Moussa discloses an embodiment where the model comprises a blood vessel.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moussa in view of Shun, and further in view of Szaroletta. Moussa as viewed in combination

with Shun discloses all of the claimed features with the exception of the material for detecting a photoelastic effect as recited. However, three dimensional models with such means for detecting a photoelastic effect are known, as disclosed for example by Szaroletta. It would have been obvious to one of ordinary skill in the relevant art to modify the teachings of Moussa as viewed in combination with Shun by providing a means and method for detecting a photoelastic effect for the purpose of allowing a user to view stresses created within the three dimensional model.

### ***Response to Arguments***

Applicant's arguments filed September 29, 2009 and July 31, 2009 have been fully considered but they are not persuasive. With respect to claims 7-11 and 23, the newly added limitations are suggested by Moussa as described above. With respect to claims 12, 13 and 24, Moussa discloses on page 5, paragraph 2 of the specification that translucent material 14 is made of a silicon gel, in particular RTV 4055 with added silicone oil at 200%. Moussa further discloses on page 5, paragraph 5 of the specification that model material 20 is also made of a silicon gel, in particular RTV 4055 with added silicone oil at 200%. Because identical substance are recited, these substances are taken to have substantially similar refractive indices. With respect to claims 15-17 and 25, the newly added limitations are suggested by Shun. While Moussa discloses a curved front plat, the casing of Shun is shown as being planar.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (571) 272-4422. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kurt Fernstrom/  
Primary Examiner, Art Unit 3711

January 5, 2010